

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

WENDY DAVIS, DAVID GINS, and  
TIMOTHY HOLLOWAY,

Plaintiffs,

V.

ELIAZAR CISNEROS, RANDI CEH,  
STEVE CEH, JOEYLYNN MESAROS,  
ROBERT MESAROS, and DOLORES  
PARK,

## Defendants

Civil Action No. 1:21-cv-00565

MOTION TO QUASH SUBPOENA ON MICHAEL FORGES

TO THE HONORABLE JUDGE OF THE COURT:

Michael Forges asks the Court to quash the trial subpoena served on him by counsel for Defendants Joelynn and Robert Mesaros (the “Subpoena”) on the grounds that Mr. Forges is outside subpoena range—he resides, is employed, and transacts business more than 500 miles from this Court—and complying with the subpoena would cause him unreasonable expense and undue hardship.

Mr. Forges was served with the Subpoena, attached hereto as Exhibit A, less than two weeks ago at his home in Harvey, Louisiana, on August 19, 2024. The Subpoena commands Mr. Forges to appear, as a witness, at the United States Courthouse for the Western District of Texas, Austin Division located at 501 West Fifth Street in Austin, Texas, on September 9, 2024 at 9:30 a.m. The distance between Mr. Forges' home, where he resides, and the courthouse is 516.7 miles, more than five times greater than the 100 mile subpoena range under the Federal Rules. FED. R. CIV. P. 45(c). Mr. Forges is also not employed within 100 miles of the courthouse, nor does he

regularly transact business within 100 miles of the courthouse. FED. R. CIV. P. 45. Consequently, Mr. Forges is outside the subpoena range of this Court and the Subpoena is ineffective, as a matter of law.

While the Subpoena is unenforceable as to Mr. Forges, on its face, out of an abundance of caution, and to avoid any confusion, Mr. Forges asks the Court to issue an Order quashing the Subpoena, for all purposes, as required by Federal Rule 45(d)(3)(A)(ii). FED. R. CIV. P. 45(d)(3)(A)(ii). This motion is timely, because it was filed both prior to the time for compliance and within 14 days of the date it was served on Mr. Forges, August 19. FED. R. CIV. P. 45(d)(2)(B). As a result, the Court must quash the Subpoena, and Mr. Forges has no obligation to comply. FED. R. CIV. P. 45(d)(3)(A)(ii).

Dated: August 30, 2024

Respectfully submitted,

/s/ Brandon F. Renken

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*Counsel for Michael Forges*

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024 a true and correct copy of the foregoing document was served upon all counsel of record via the Court's Electronic File Management System in this case.

/s/Brandon F. Renken

Brandon F. Renken